



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

## **In replying refer to:**

Public Notice Number: 2003-01389-YS  
Issue Date: November 3, 2005  
Expiration Date: December 2, 2005

### **To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

**APPLICANT:** River Pool at Beacon, Inc.  
Alan Zollner, President  
PO Box 173  
Beacon, NY 12508

**ACTIVITY:** Install a Prototype Floating Recreational Wading Pool

**WATERWAY:** Hudson River

**LOCATION:** Riverfront Park, City of Beacon, Dutchess County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,** otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with

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particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A preliminary review of the proposal and information submitted by the applicant indicates that the overall potential impact on EFH for designated species is very small, and that most EFH designated species are in low abundance in the project area due to low salinities in this portion of the Hudson River. The primary effects on Essential Fish Habitat (EFH)(and EFH-managed species) would be a temporary increase in turbidity during construction. Based upon the foregoing, the U.S. Army Corps of Engineers New York District Regulatory Branch has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Therefore, the EFH assessment does not recommend mitigation for the proposed impacts. However, consultation with the National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final permit decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

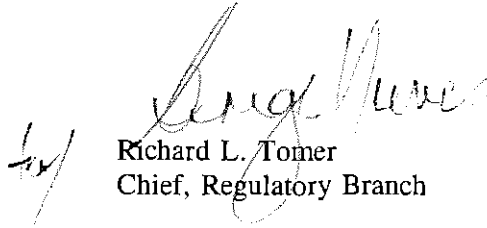
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: A permit from the New York State Department of Environmental Conservation.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach.

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For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

  
Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

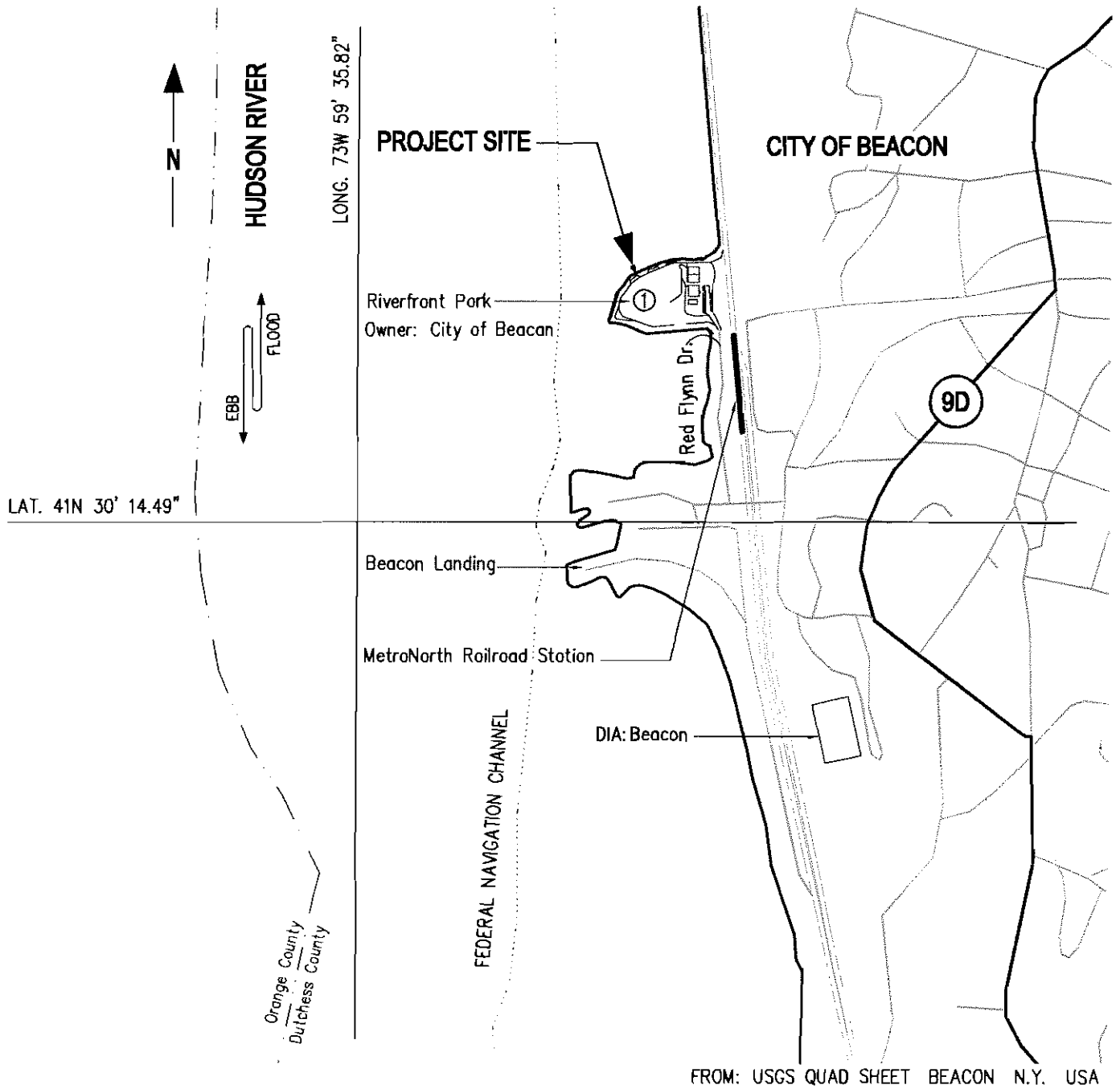
### WORK DESCRIPTION

The applicant, River Pool at Beacon, Inc., has requested Department of the Army authorization to install a prototype floating recreational wading pool in the Hudson River at Riverfront Park, City of Beacon, Dutchess County, New York.

The work would involve the installation of a 20 foot diameter prototype wading pool with the maximum water depth inside the pool of 18-20 inches. The pool would be secured by lines to concrete anchors and would be accessed by a 5 foot wide by 25 foot long hinged walk-ramp that would connect to the City of Beacon Riverfront Municipal Park. The hinged walk-ramp would be over existing riprap located on the shoreline. The floor of the pool would consist of 1 inch nylon belts woven in a plain weave pattern. Approximately one-quarter of the belts would have openings of 1" x 3/4" (Area A) and the remaining floor area would have square openings between web-belts of 1" x 1" (Area B) to prevent shading and allow light to reach the bottom. Swim Area marker buoys would be placed around the pool.

The pool would be installed seasonally in the spring and removed in the fall where it would be cleaned and stored in an upland location during the cold weather months. Any protruding rocks on the bottom in the immediate areas of the pool location would be removed by hand before installation each year. Dredging is not required for installation due to adequate existing water depths. The applicant indicated it would remove by hand exotic species of water chestnut (*Trapa natans*) when the plants emerge in June, and as needed in July and August. It is noted that this is a prototype facility. If authorized, the applicant would review the success of the structure and consider applying for a future larger pool facility at the site.

The stated purpose of this project is to provide a recreational prototype wading pool. More information on the project is available at the applicant's website [www.riverpool.org](http://www.riverpool.org)



PURPOSE: PROTOTYPE RIVER POOL

DATUM: MEAN LOWER LOW WATER

ADJACENT PROPERTY OWNERS:

① CITY OF BEACON

② N/A

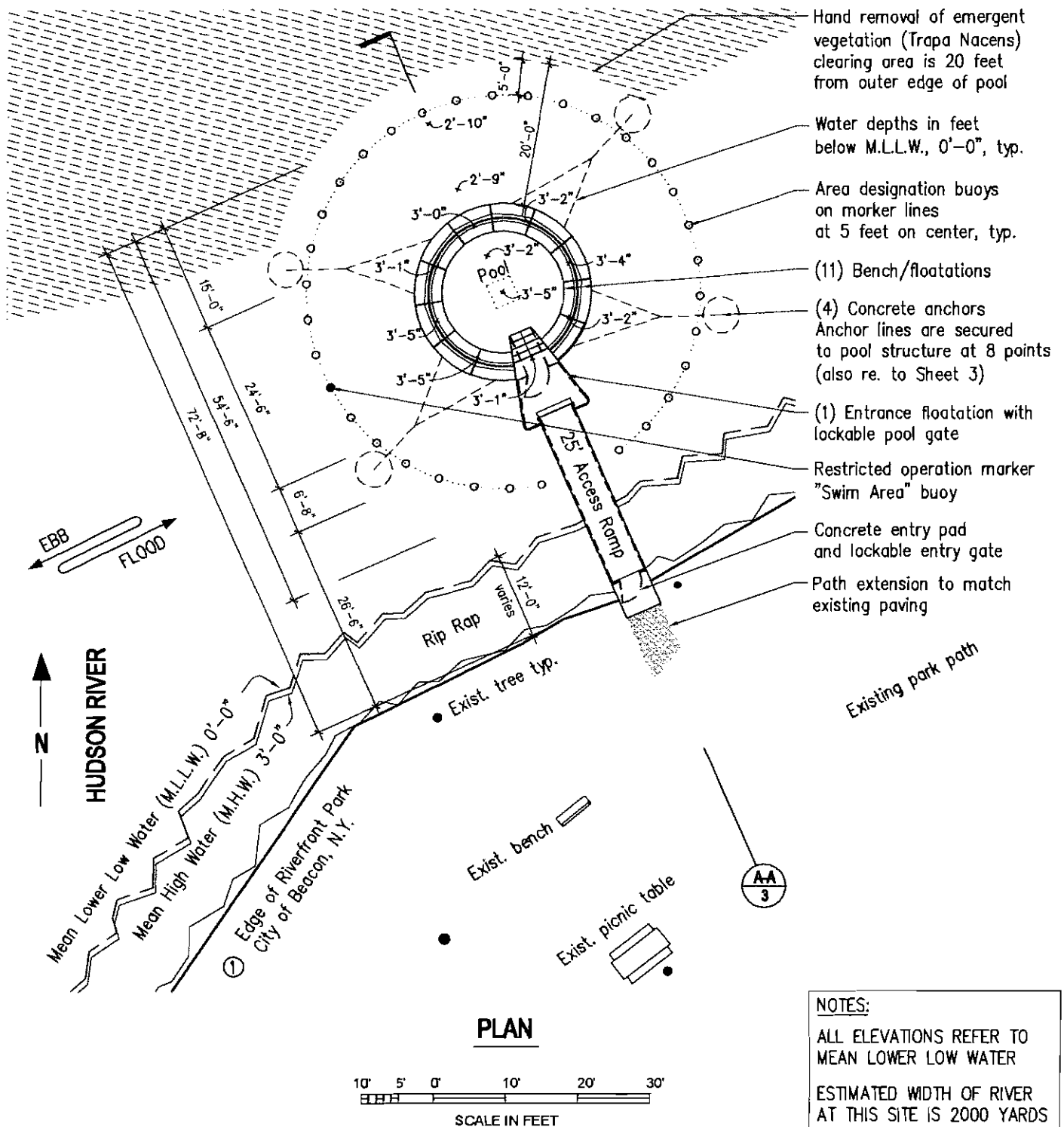
IN HUDSON RIVER

AT BEACON, N.Y. RIVERMILE 61

COUNTY OF DUTCHESS STATE NEW YORK

APPLICATION BY RIVER POOL AT BEACON INC.

SHEET 1 OF 6 DATE 10/15/2005



PURPOSE: PROTOTYPE RIVER POOL

DATUM: MEAN LOWER LOW WATER

ADJACENT PROPERTY OWNERS:

① CITY OF BEACON

② N/A

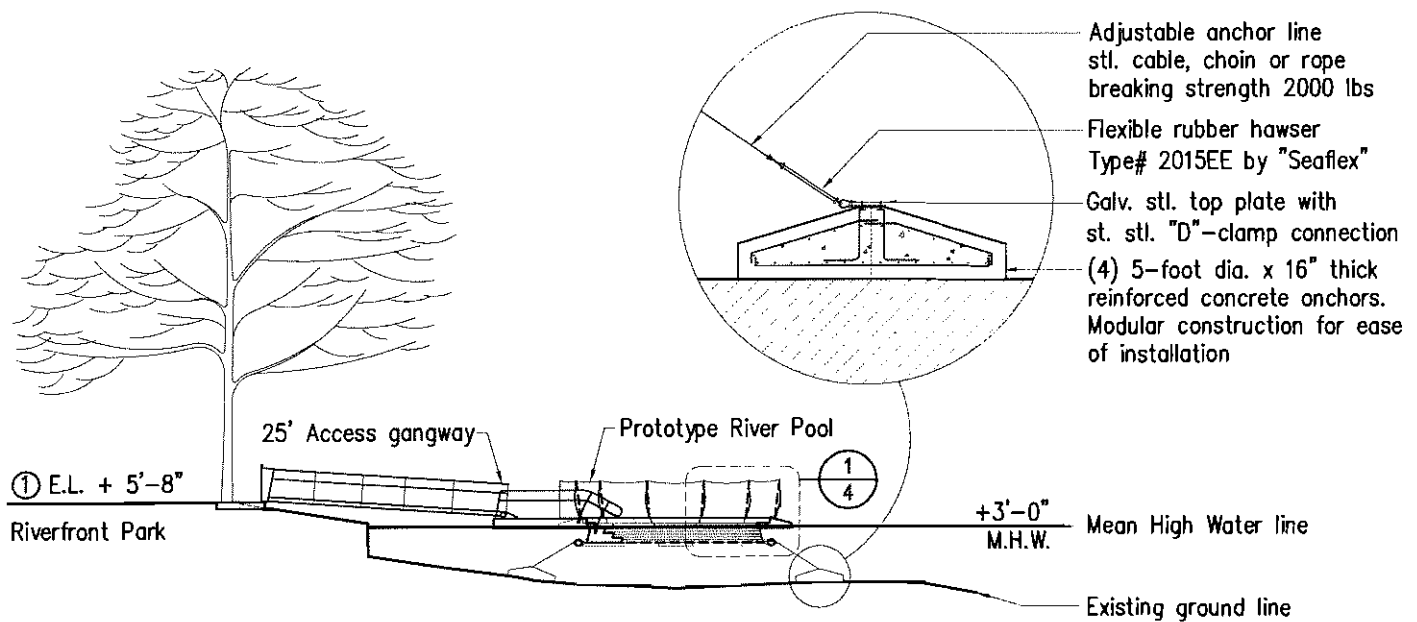
IN HUDSON RIVER

AT BEACON, N.Y. RIVERMILE 61

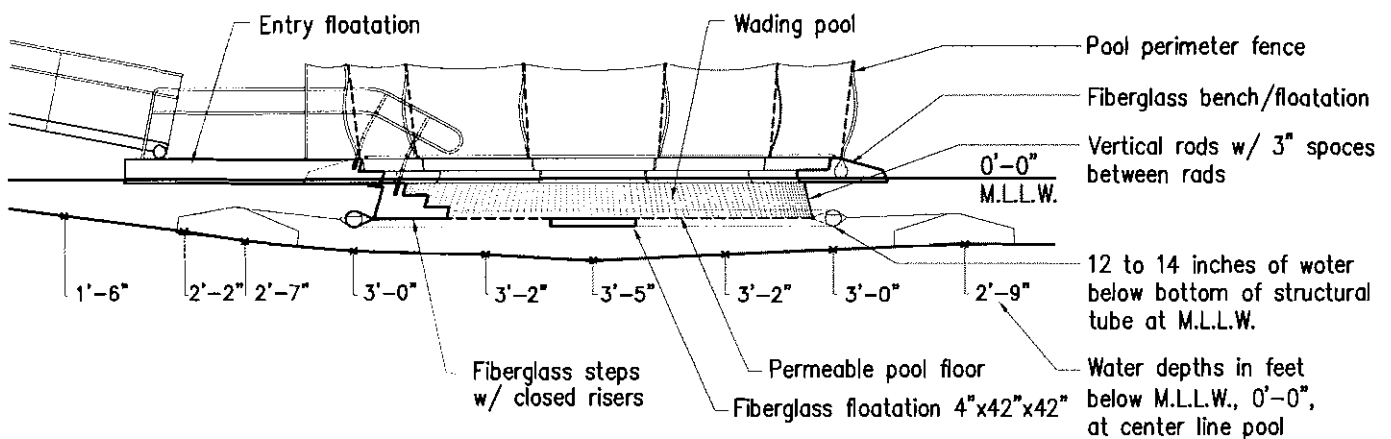
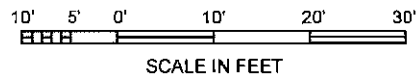
COUNTY OF DUTCHESS STATE NEW YORK

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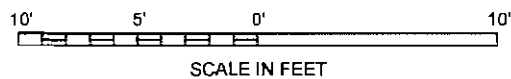
SHEET 2 OF 6 DATE 10/15/2005



### SECTION A-A MEAN HIGH WATER



### SECTION A-A MEAN LOWER LOW WATER



#### NOTES:

ALL ELEVATIONS REFER TO  
MEAN LOWER LOW WATER

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② N/A

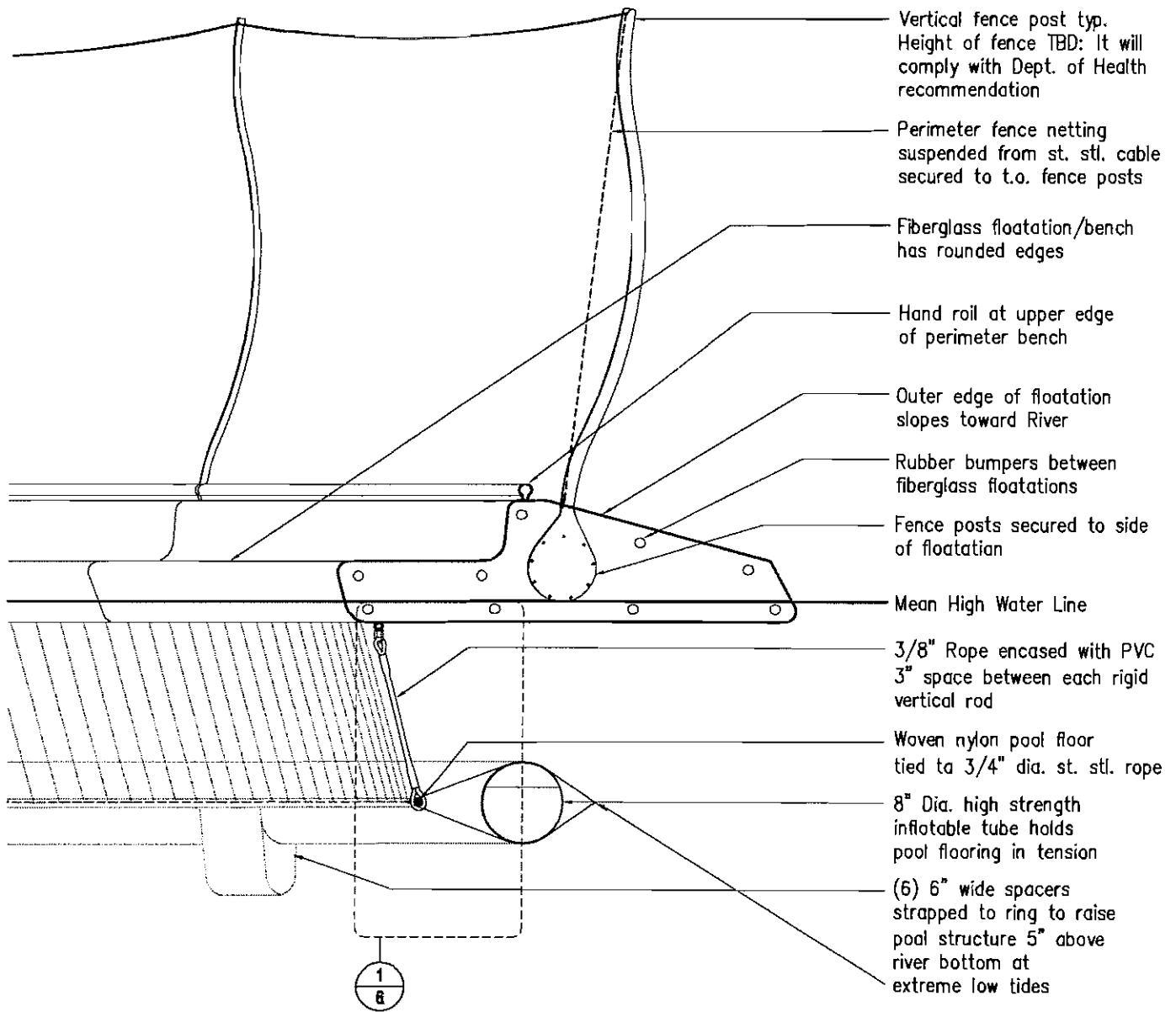
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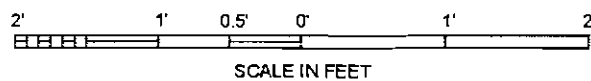
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APPLICATION BY RIVER POOL AT BEACON INC.

SHEET 3 OF 6 DATE 10/15/2005



### SECTION / ELEVATION



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② N/A

IN HUDSON RIVER

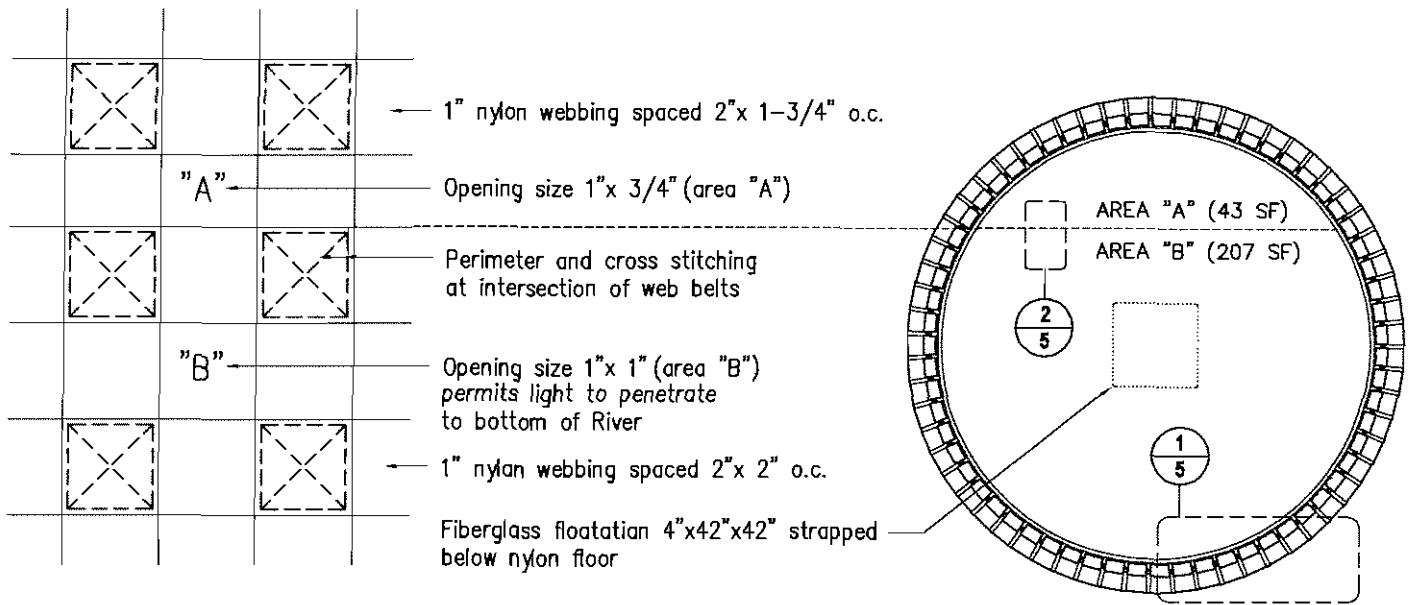
AT BEACON, N.Y. RIVERMILE 61

COUNTY OF DUTCHESS STATE NEW YORK

APPLICATION BY RIVER POOL AT BEACON INC.

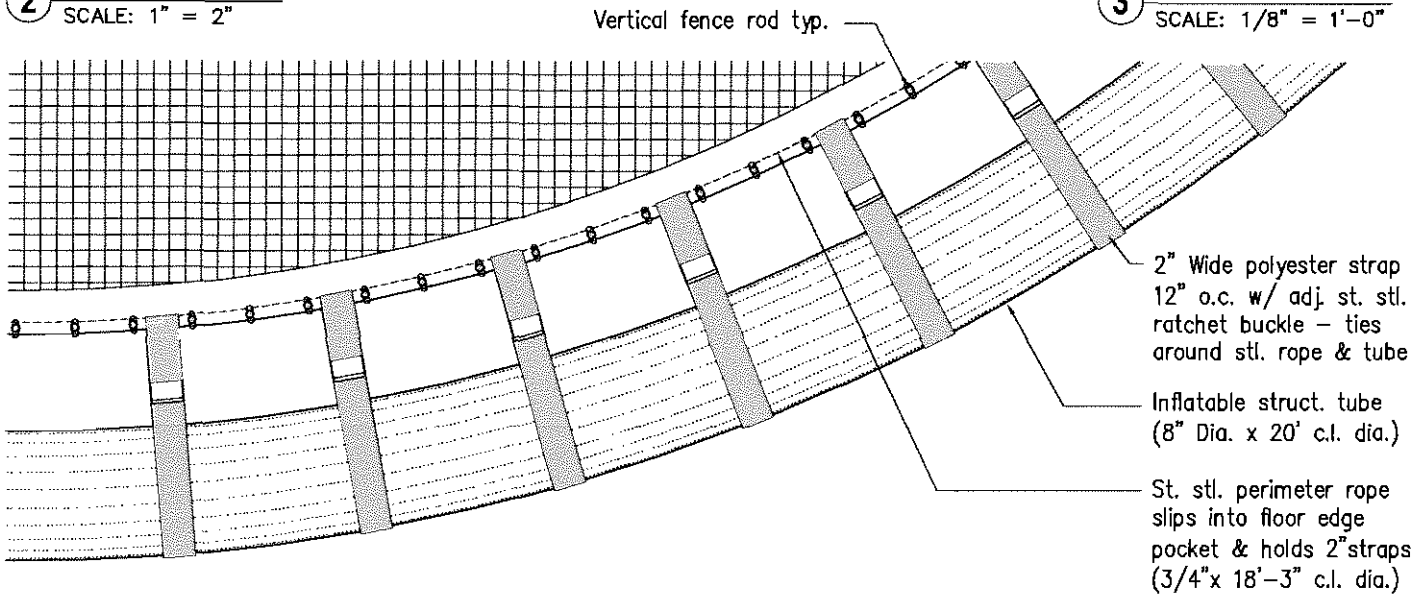
SHEET 4 OF 6 DATE 10/15/2005





② WEBBING DETAIL  
SCALE: 1" = 2"

③ KEY PLAN  
SCALE: 1/8" = 1'-0"



① PLAN DETAIL  
SCALE: 1" = 1'-0"

## POOL FLOORING

SCALE AS NOTED

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① CITY OF BEACON

② N/A

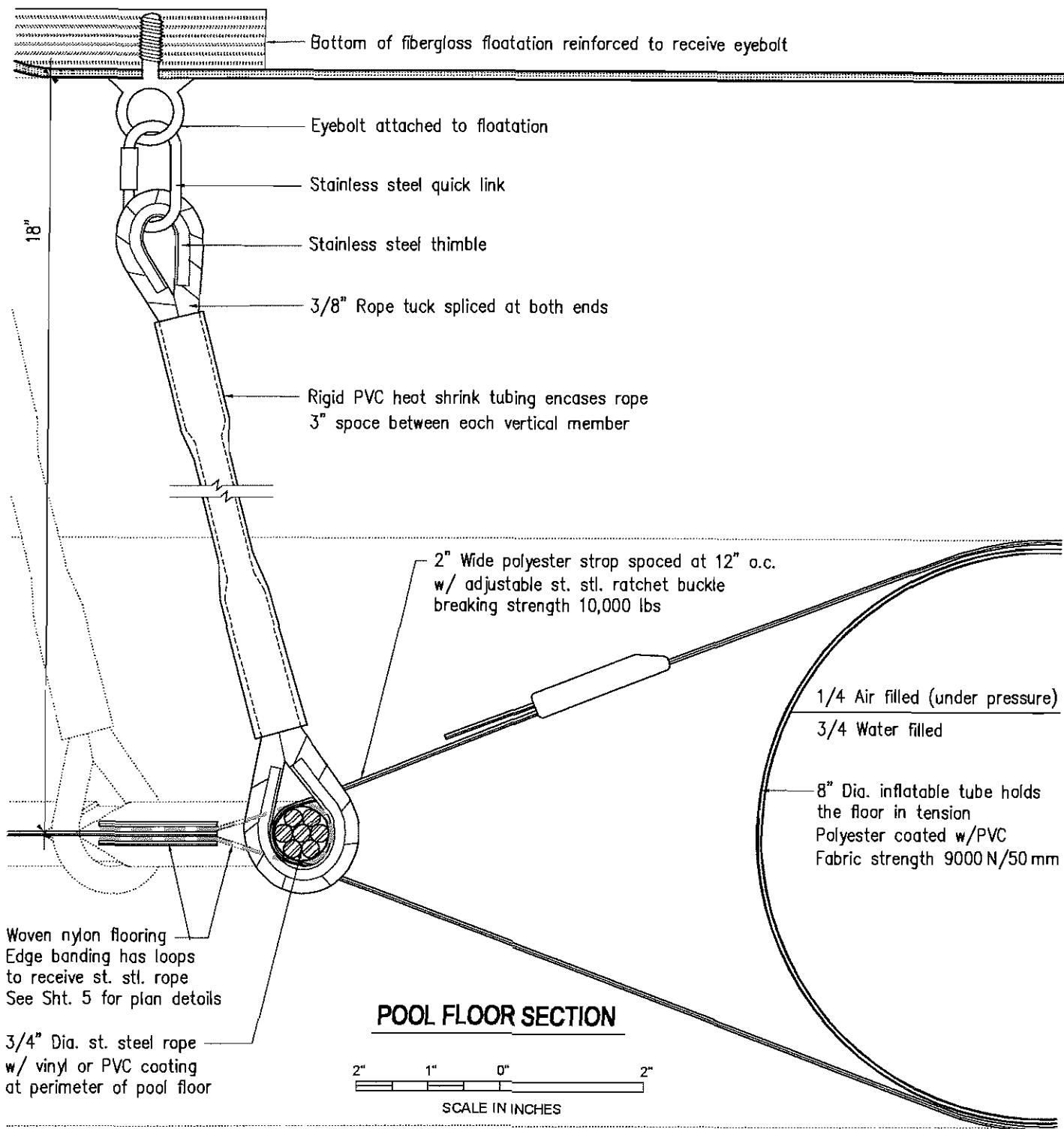
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AT BEACON, N.Y. RIVERMILE 61

COUNTY OF DUTCHESS STATE NEW YORK

APPLICATION BY RIVER POOL AT BEACON INC.

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